

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JIMMY SCOTT ELKINS,
 Petitioner,

v.

WISE COUNTY, VA,
 Respondent.

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Civil Action No. 7:12-cv-00133

ORDER

By: Hon. Michael F. Urbanski
 United States District Judge

In accordance with the written Memorandum Opinion entered this day, it is hereby

ORDERED

that petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, is **DISMISSED** **without prejudice** for failing to exhaust state court remedies; petitioner's motion to proceed in forma pauperis is **DENIED as moot**; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to petitioner.

Entered: March 22, 2012

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge